

FILED
05 FEB 24 AM 8:08
BEVERLY A. THE
CLERK OF SUPERIOR COURT
YUMA, ARIZONA 85364

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF YUMA

In the Matter of:)
UNIFORM GUIDELINES FOR JUROR)
REQUESTS TO BE EXCUSED FROM) Administrative Order
JURY SERVICE, REQUESTS TO) NO. 2005-03
POSTPONE JURY SERVICE,)
FAILURE TO RESPOND, AND)
FAILURE TO APPEAR, FOR USE BY)
THE SUPERIOR COURT IN)
YUMA COUNTY)

WHEREAS Arizona Code of Judicial Administration, Part 5: Court Operations, Chapter 2: Programs and Standards, Section 5-203(B)(7)(d): Trial Jury Management, Selection of Prospective Jurors, provides that the presiding judge shall adopt specific uniform guidelines for determining requests to postpone jury service and to be excused from jury service; and

WHEREAS Arizona Code of Judicial Administration, Part 5: Court Operations, Chapter 2: Programs and Standards, Section 5-203(D)(2)(e): Trial Jury Management, Efficient Jury Management, provides that written policies and procedures be established for monitoring failures to respond to summons and taking appropriate action when failures occur.

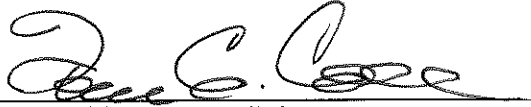
IT IS THEREFORE ORDERED that the attached Uniform Guidelines for Juror Requests to be Excused from Jury Service, Requests to Postpone Jury Service, Failure to Respond, and Failure to Appear, which by this reference are incorporated as a part of this Administrative Order, be, and

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1 they are hereby, adopted for use by the Superior Court in Yuma County, Arizona..

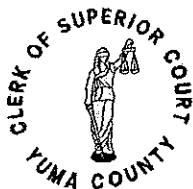
2 DATED this 24th day of February, 2005

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5 Honorable Tom C. Cole,
6 Presiding Judge
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9 Copies of the foregoing to:

10 Hon. John N. Nelson
11 Hon. Andrew W. Gould
12 Hon. Kirby Kongable
13 Hon. John Paul Plante
14 Hon. Denise D. Gaumont
15 Hon. Richard W. Donato
16 Hon. Beverly Frame, Clerk of the Superior Court
17 Margaret Guidero, Court Administrator
18 Jane E. Pray, Caseflow Manager
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***YUMA COUNTY SUPERIOR COURT
CLERK OF SUPERIOR COURT/
JURY COMMISSIONER***

***Failure to Respond/Failure to Appear
Policies and Procedures***

Arizona Code of Judicial Administration §5-203(D)(2)(e)

A.R.S. § 21-334.

Failure of juror to attend; fine

It is unlawful for a juror who is summoned and who fails to obtain a postponement or who is not excused from jury service to willfully and without reasonable excuse fail to attend on the date scheduled for jury service. The juror may be attached as for a direct contempt of court and may be compelled to attend on the date scheduled for jury service, and a fine not exceeding five hundred dollars may be imposed by the court for nonattendance upon the court. (Effective January 1, 2004)

FAILURE TO RESPOND:

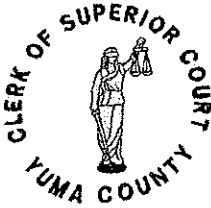
A person who receives a summons and questionnaire and fails to respond is subject to the following guidelines:

1. The person will be mailed a post card directing the person to appear at the office of the Clerk of Superior Court and complete the questionnaire within 10 days or be subject to an Order to Show Cause before the Presiding Judge, or Judge designated by the Presiding Judge ("designee").
2. If the person fails to respond to the post card, the person's name will be forwarded to the Presiding Judge, or designee, with a request for the Judge to issue an Order to Show Cause. The Order to Show Cause with a date and time specific to appear before the Presiding Judge, or designee, will be served upon the person by personal service of a Deputy of the Yuma County Sheriff's Office.
3. Upon the appearance of the person on the Order to Show Cause it is at the discretion of the Presiding Judge, or designee, whether to attach the juror for a direct contempt of court and fine the juror an appropriate sum up to and including five hundred dollars.

FAILURE TO APPEAR:

A person summoned to appear on a specific date and time and fails to appear is subject to the following guidelines:

1. The person will be served by certified mail a juror summons for the next scheduled Superior Court jury trial, pursuant to § 21-331(B).
2. If the person fails to appear when mailed the certified summons, an Order to Show Cause with a date and time specific to appear before the trial judge shall be sent certified mail to the individual.
3. If the person fails to appear before the trial judge for the Order to Show Cause sent certified mail, a second Order to Show Cause with a date and time specific to appear shall be served upon the person by a deputy of the Yuma County Sheriff's Office.
4. Upon the appearance of the person for the Order to Show Cause it is at the discretion of the trial judge whether to attach the juror for a direct contempt of court and fine the juror an appropriate sum up to and including five hundred dollars.



***YUMA COUNTY SUPERIOR COURT
CLERK OF SUPERIOR COURT /
JURY COMMISSIONER***

Juror Excusal and Postponement Guidelines
Arizona Code of Judicial Administration §5-203(B)(7)(d)

The Jury Commissioner or designee shall use the following guidelines when excusing persons from jury service pursuant to the following statutes;

§ 21-202(B)(1)

MEDICAL CONDITION:

An original letter from the person's licensed physician stating that the person suffers from a physical or mental condition rendering that person incapable of performing jury duty. The letter need not state the infirmity. The physician **may not** be the person's employer.

§ 21-202(B)(2)

ADVERSE AFFECT TO PUBLIC WELFARE:

Determination made only by the Court.

§ 21-202(B)(3)(c)(i)

CARE GIVER:

A signed statement providing the name of the person the prospective juror is the caregiver to, a guardianship or conservatorship case number if applicable, and the reasons why an alternate caregiver would not be appropriate or possible.

§ 21-202(B)(3)(c)(ii)

FINANCIAL HARDSHIP:

Prospective juror claiming personal financial hardship: Provide copies of last two payroll checks. Additionally, a signed statement regarding employer's salary compensation during jury service and the names and ages of all dependants. The jury commissioner will calculate the prospective jurors monthly gross income and apply the 2004 Federal Poverty guidelines. If the prospective juror is at or below the appropriate household size level, they shall be excused for financial hardship. Persons may be excused for other financial hardships, such as a person who is employed out of county on a regular full-time basis, with appropriate documentation.

Prospective juror as employer for others: Provide a signed statement listing the names of the individuals employed by the prospective juror for regular full-time employment and the reason why those employees cannot continue with their regular employment during the person's jury service.

§ 21-202(B)(c)(iii) **MEDICAL HARDSHIP:**
An original letter from the person's licensed physician stating that the person suffers from a physical hardship that would prevent performing jury duty. The letter need not state the infirmity. The physician **may not** be the person's employer.

§ 21-202(B)(c)(iv) **ENGLISH LANGUAGE:**
If an affirmative answer is received to the questionnaire, a follow-up phone call to the prospective juror shall be made to confirm that the person does not understand the English language.

§ 21-202(B)(4) **CERTIFIED PEACE OFFICER:**
Statement signed by the person's employer on the agencies letterhead stating that the person is certified by the Arizona peace officer standards and training board, and currently employed by this state or any political subdivision of this state.

§ 21-335 **FREQUENCY OF SERVICE; EXEMPTION**
Statement providing the name of the Arizona court and the last day of service as a juror.

The Jury Commissioner or designee shall use the following guidelines when granting a postponement from jury service to persons pursuant to statute;

§ 21-336 **POSTPONEMENT:**
A person may postpone their summoned date for jury service only two times. This request may be made by phone, letter or in person. The person is to be informed that no additional postponements will be granted excepting and extreme emergency. An extreme emergency is one that could not have been anticipated at the time the initial postponements were granted.